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REMARKS

In the outstanding Office Action, the Examiner has rejected existing Claims 1 to 14 and 25. The Examiner's position is that these claims are unpatentable pursuant to 35 U.S.C. 103(a) over Awdeh (U.S. patent No. 5,754,530) in view of Fan (U.S. patent No. 6,324,165). Applicant respectfully traverses the Examiner's rejection, for the reasons which follow.

The Applicant first respectfully disputes the Examiner's interpretation of the Awdeh reference. Awdeh does not teach aggregation of non-real time traffic received from a plurality of connections in the sense recited in each of independent Claims 1 and 25 of the present application. The existing claims specify that the aggregated non-real time traffic of the present invention is transmitted on a path "without regard to which of the plurality of connections the non-real time traffic is associated and without regard to the class of transmission service of such plurality of connections". This is not the case when examining the teachings of Awdeh. Rather, it is very clear from the Awdeh reference that each source-destination pair of the simulated network scenario of Figure 4 constitutes an ABR VC (Column 15; at lines 58 and 59). While each ABR VC shares the inter-switch link, this does not amount to aggregation in the sense recited in each of existing Claims 1 and 25. It is clear from the disclosure of Awdeh that flow control is applied to the inter-switch link at the level of each VC. (See the description at Column 15; lines 1 to 7, and lines 18 to 26. See also Column 15; at lines 37 and 38). It is also clear that different transmission rates may be allocated for each of the individual ABR VCs of Awdeh (Column 11; at lines 58 to 60). In contrast to this, flow control according to the invention recited in each of existing Claims 1 and 25 is applied to the entirety of the aggregated non-real time traffic along the path between the network core source and the network core destination. This results from the very recited language of the claim itself, wherein the non-real time traffic is aggregated without regard to the connections with which the non-real time traffic is associated and flow control is being applied to the whole of the aggregated traffic. This feature of the invention is repeated and supported throughout the specification as originally filed. For instance, on page 8 of the original specification, this is described at lines 20 and following. It is also specified in the present application that flow control in the network core is applied at the level of the aggregated VP traffic and not at the level of each individual VC (See the specification as originally filed, page 16 at lines 12 to 14).

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For the reasons given above, the Awdeh reference is lacking a relevant feature in comparison to the invention as recited in the independent Claims 1 and 25. The Examiner has also admitted that Awdeh does not explicitly disclose that at least two of the plurality of connections being aggregated do not have the same class of transmission service. As already pointed out above, Awdeh does not teach or suggest aggregation in the sense understood by the present invention. Moreover, Awdeh does not teach or suggest applying flow control to the whole of an aggregated traffic flow. As such, there is no motivation whatsoever for a person skilled in this art to employ the Awdeh reference as a basic reference, nor to combine it with the Fan reference in the manner suggested by the Examiner.

The Applicant also respectfully disputes the Examiner's interpretation of the Fan reference. The Fan reference does not relate at all to a network architecture but rather to the architecture of a switching device. This is not the same field of endeavour as the present invention, contrary to the assertions of the Examiner. In any event, the scheduling of various traffic flows onto a TDM bus of a switch according to Fan does not amount to the aggregation of traffic having the characteristics recited in each of existing Claims 1 and 25. At Column 5 of the Fan reference, at lines 28 to 31, it is specified that the input modules of the Fan switch arrangement can be arranged according to per VC queuing, per class queuing according to output port and per class queuing according to output line. At lines 46 and 47 of Column 5 of Fan, it is specified that DRC rate feedback is provided from an output module to each input buffer of each input module of the switch arrangement according to Fan. Again, this is not aggregation as understood and recited in the existing independent Claims 1 and 25. First of all, the input modules of Fan in each of the examples of Figures 2a, 2b and 2c are divided according to connections, whether described as virtual channels, output port destinations or output line destinations. As argued above, the aggregation as recited in each of Claims 1 and 25 explicitly specifies that the aggregated non-real time traffic is transmitted on the path "without regard to which of the plurality of connections the non-real time traffic is associated". Flow control according to the teachings of Fan thereby applies to identifiable traffic flows and is therefore not applied to an aggregated traffic flow as a whole. In the specific example of Figure 3, buffers are assigned to each of the non-real time ABR and ABR traffic flows separately (Column 6 at lines 64 to 67). At Column 9, lines 44 to 46, Fan clearly teaches that the large switch scheduler is able to guarantee a minimum transmission rate for "each non-real-time flow via DRC scheduling" (emphasis added). Once

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again, this is in stark contrast to the flow control described and claimed in each of existing Claims 1 and 25 of the present application.

For the reasons described above, it is submitted that the Examiner's rejections of Claims 1 and 25 are traversed, as are thereby each of the objections raised to the dependent claims thereof. By way of the present Response, this application is believed to be in condition for allowance and such action in due course is earnestly solicited.

Agents of Record

Further to a Customer Number Batch Update form dated and mailed April 18, 2004 which included a reference to the captioned application, the undersigned attorney confirms that the contact agent of record, Alfred Macchione, has relocated his practice to the firm of:

McCarthy Tétrault LLP
Customer Service #: 27155
Toronto Dominion Bank Tower
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Applicant has consented to having contact agent retain responsibility as agent of record. Undersigned attorney advises that in total the following agents of record are also now associated with the same customer number and have the authority to also act on behalf of the Applicant for the above matter:

Alfred Macchione	Reg. No. 40,333 (undersigned attorney)
Robert Nakano	Reg. No. 46,498
Brian Gray	Reg. No. 30,017
Kenneth Bousfield	Reg. No. 40,460
Christopher Hunter	Reg. No. 52,528

Undersigned attorney also advises that the attorney reference number has been changed to:

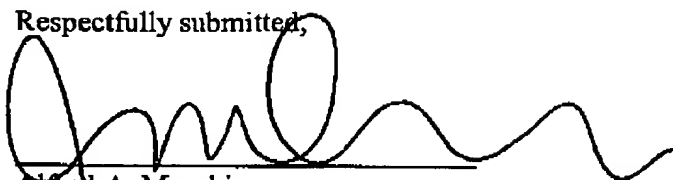
Atty's Docket No.: T01215-0011-US (123081-339566) .

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Applicant requests that the Patent and Trademark Office update its records for this application accordingly.

Respectfully submitted,



July 19, 2004

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